



WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION

October 3, 2016
1609-PUD-18

Docket Number: 1609-PUD-18 (Ordinance No. 16-34)

Petitioner: Heather Raymond by Perma Pools Corp.

Request: An amendment to the Enclave and Springs Planned Unit Development (PUD) District to modify the minimum rear yard building setback line for a swimming pool from twenty-five (25) to fifteen (15) feet.

Current Zoning: The Enclave & Springs PUD District (Ordinance 13-16)

Current Land Use: Single Family Residential

Zoning History: 1305-PUD-04, PUD District (Ord. 13-16) (10/14/13)
1401-SPP-02, Primary Plat (2/3/14)
1401-DP-03, Overall Development Plan (2/3/14)
1406-SFP-21, Secondary Plat (5/20/14)
16-P-012-556, Pool Permit – Pending

Exhibits: 1. Staff Report
2. Location Map
3. Concept Plan
4. PUD Development Standards Matrix
5. Amendment Ordinance (revised)
6. Public Comments

Staff Reviewer: Daine Crabtree, Associate Planner

PETITION HISTORY

Petition 1609-PUD-18 received its public hearing at the September 6, 2016, Plan Commission meeting.

Subject to action by the Plan Commission, this petition is anticipated to be eligible for Council adoption at the October 10, 2016, Council meeting.

PROJECT OVERVIEW

Public Hearing: The petitioner is requesting an amendment to The Enclave and Springs PUD District Ordinance 13-16 (the “PUD Ordinance”) for the property located at 15807 Longship Court within The Springs at Viking Meadows subdivision, which is located on the northwest corner of 156th Street and Oak Ridge Road (see **Exhibit 2**).



Amendment Request: The petitioner is requesting an amendment to modify the minimum rear yard building setback from twenty-five (25) to fifteen (15) feet to accommodate a proposed swimming pool (see **Exhibit 3**). As a result, this amendment is required in order to accommodate the proposed swimming pool because the property is located within a PUD District.

Article 6.1(G)(3) Accessory Use and Building Standards requires that swimming pools “shall be required to meet the same minimum Building Setback Line as the Principal Building to which they are accessory”. The PUD Ordinance (Exhibit C of the PUD Ordinance attached as **Exhibit 4**) establishes the minimum rear yard building setback line as twenty-five (25) feet.

PROCEDURAL

Public Hearing:

Amendments to a Planned Unit Development District are required to be considered at a public hearing by the Plan Commission. The public hearing for this petition took place at the September 6, 2016, Plan Commission meeting. Notice of the public hearing was provided in accordance with Indiana law.

Statutory Considerations:

Indiana Code 36-7-4-603 states that in the consideration of zoning ordinance amendments and zone map changes that reasonable regard shall be paid to:

1. The Comprehensive Plan.
2. Current conditions and the character of current structures and uses.
3. The most desirable use for which the land is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible growth and development.

PUBLIC HEARING COMMENTS

The public hearing for this petition took place at the September 6, 2016, Plan Commission meeting. Written comments submitted by neighbors were included with the Plan Commission meeting agenda and is attached hereto as **Exhibit 6**.

Since the public hearing, the petitioner has revised their proposed ordinance and site plan to address the public hearing comments. The proposed ordinance revisions include the requirement of a power safety cover and fencing around the swimming pool. The swimming pool is a permitted use and the building code only requires one or the other for safety, but the petitioner has revised their proposed ordinance to require both. In addition, the swimming pool would be screened and enhanced with landscaping, which is otherwise not typically



required by the PUD Ordinance or Unified Development Ordinance, in substantial compliance with the proposed plan (see **Exhibit 3**). The petitioner has shared the revised plan with their neighbor and has not received any additional feedback.

DEPARTMENT COMMENTS

1. **Action:** Forward a recommendation to the City Council.
2. **Recommendation:** If the Plan Commission is otherwise satisfied with the proposed ordinance, then the Department recommends forwarding 1609-PUD-18 (Ordinance No. 16-34) to the City Council with a favorable recommendation.
3. If any Plan Commission member has questions prior to the meeting, then please contact Daine Crabtree at 317-416-2586 or dcrabtree@westfield.in.gov.